

AUTHORIZING THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION TO CONSTRUCT A GREENHOUSE FACILITY AT ITS MUSEUM SUPPORT FACILITY IN SUITLAND, MARYLAND, AND FOR OTHER PURPOSES

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MARCH 10, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 5492]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5492) to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 5492 authorizes the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Smithsonian Institution currently leases a 55,000-square foot greenhouse complex on the campus of the Armed Forces Retirement Home (“AFRH”) in Washington, DC, for its horticultural operations. The complex includes 12 greenhouses, a small office for administrative and logistical functions, and a shade house. The Horticulture Services Division of the Smithsonian Institution provides horticultural services to the Smithsonian museums and units through planting for exhibits and special events, and through development and management of the Smithsonian’s public gardens. The complex houses the Smithsonian Institution’s world-class orchid collection and provides space to grow a wide variety of plant materials for exhibits, gardens, and special events that would be costly or impossible to obtain commercially.

The AFRH is redeveloping the site that houses the Smithsonian Institution greenhouses. The Smithsonian Institution's lease expires on September 30, 2008, which creates a need for the Smithsonian Institution to find alternative space to house its horticultural operations. After considering outsourcing, leasing, and construction options, the Smithsonian Institution determined that the most cost-effective solution to maintain the orchid collection and provide needed plants for the Smithsonian museums and gardens is to construct a new facility to house its horticultural operations.

H.R. 5492 authorizes \$12 million to construct a new greenhouse facility at the Smithsonian Institution's Suitland, Maryland site. This project includes site preparation, a 10,900-square foot head house, and 44,500-square foot greenhouse, along with outdoor growing and storage areas. To limit design requirements, expedite construction, and reduce costs, the Smithsonian Institution will use off-the-shelf prefabricated building kits to construct the polycarbonate plastic greenhouse.

In FY 2008, Congress appropriated \$2.8 million for this project in the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008". In FY 2009, the President's budget requests \$8.2 million for the project.

#### SUMMARY OF THE LEGISLATION

##### *Section 1. Construction of greenhouse facility*

Section 1 authorizes the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

##### *Section 2. Authorization of appropriations*

Section 2 authorizes \$12 million to be appropriated to carry out this Act.

#### LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On February 26, 2008, Representative Doris O. Matsui introduced H.R. 5492.

On February 28, 2008, the Committee on Transportation and Infrastructure met in open session and ordered H.R. 5492 reported favorably to the House by voice vote with a quorum present.

#### RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 5492 reported. A motion to order H.R. 5492 reported favorably to the House was agreed to by voice vote with a quorum present.

## COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(I) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

## COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 5492 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 3, 2008.*

Hon. JAMES L. OBERSTAR,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5492, a bill to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Anthony.

Sincerely,

ROBERT A. SUNSHINE  
(For Peter Orszag, Director).

Enclosure.

*H.R. 5492—A bill to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes*

H.R. 5492 would authorize appropriations of \$12 million for the construction of a greenhouse facility in Suitland, Maryland. The facility would be used by the Smithsonian Institution to assist in the maintenance and preservation of the orchid collection held in trust by the Institution. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 5492 would increase outlays by \$12 million over the 2009–2013 period. The bill would not affect direct spending or revenues.

H.R. 5492 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Christina Hawley Anthony. This estimate was approved by Keith Fontenot, Deputy Assistant Director for Health and Human Resources, Budget Analysis Division.

#### COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

It is not clear if the definition of “congressional earmark” under clause 9(d) of rule XXI applies to H.R. 5492 because the Smithsonian Institution has specifically requested authorization to construct the greenhouse facility in Suitland, Maryland. However, in the interests of full disclosure and transparency, the Committee has required the sponsors of the bill to comply with all requirements of clause 9(d), 9(e), or 9(f) of rule XXI:

Project	Amount	Request
Authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland.	\$12 million .....	Doris O. Matsui, Xavier Becerra, and Sam Johnson.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office

pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 5492 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 5492 makes no changes in existing law.

